

REMARKS

Claims 1-21 were originally presented for examination.

In the first Office Action, the Examiner rejected claims 1-3, 5, 6, and 8-21 as being unpatentable in view of cited prior art, rejected claims 4 and 7 because of insufficient antecedent basis, and objected to claim 20 as being of improper dependent form.

Claims 4 and 7 appear to be allowable in substance since they were not rejected under the cited prior art. Moreover, features of the claims are not disclosed in the cited prior art.

The drawings filed on March 1, 2002 are accepted.

Claims 1-3, 5, 6, 8, 10-15, 17-19 - Han (USP 6,608,707)

Claims 1-3, 5, 6, 8, 10-15, 17-19, and 21 are rejected under 35 USC 102(e) as being anticipated by Han (USP 6,608,707). Claims 4 and 7 were not rejected under Han.

Claims 1, 2, 5, 6, 11, 13, 14, 15, 18, 19, and 21 are cancelled.

Claim 3 is amended to include claim 1, to place it in independent form. The Office Action relies on 12:6-8 in Han to teach an image input device having an opening for receiving a removable digital image media to enable digital image input at the opening from the digital image media, as in claim 3. However, this reliance is believed to be in error since there is no mention at 12:6-8 in Han of the claimed software. All that is mentioned is that the images may be scanned and saved, or transmitted. How does this anticipate the claimed digital image input? If the Examiner disagrees, an explanation of the Examiner's position so that the issue can be understood for further prosecution would be appreciated.

Claim 4

Claim 4 is amended to include claims 1 and 3, to place it in independent form. Since claim 4 was not rejected under the cited prior art, it is now believed to be in allowable form. Han does not disclose an input device adapted to collect information associated with the digital image, wherein the input device is a keyboard or a touchscreen display, as in claim 4. If the Examiner chooses to reject claim 4 under the cited or new prior art, the rejection should be a non-final one.

Claim 7 is amended to include claims 1 and 2, to place it in independent form. Since claim 7 was not rejected under the cited prior art, it is now believed to be in allowable form. Han does not disclose a display disposed in either the first or second member for displaying the digital image and for displaying an advertisement information when the system is in the open position,

as in claim 7. If the Examiner chooses to reject claim 7 under the cited or new prior art, the rejection should be a non-final one.

Claim 8 is amended to include claim 1, to place it in independent form. The Office Action relies on 12:6-8 in Han to teach a software for tracking information associated with the digital image, as in claim 8. However, this reliance is believed to be in error since there is no mention at 12:6-8 in Han of the claimed software. All that is mentioned is that the images may be scanned and saved, or transmitted. How does this anticipate the claimed software? If the Examiner disagrees, an explanation of the Examiner's position so that the issue can be understood for further prosecution would be appreciated.

Claim 10 is amended to include claim 1, to place it in independent form. The Office Action relies on 10:56-11:1 in Han to teach an audio input device for receiving audio information relating to the digital image, as in claim 10. However, this reliance is believed to be in error since there is no mention at 10:56-11:1 in Han of the claimed audio input device. All that is mentioned is certain CPU and scanning information. How does this anticipate the claimed audio input device? If the Examiner disagrees, an explanation of the Examiner's position so that the issue can be understood for further prosecution would be appreciated.

Claim 12 calls for a second, redundant, memory to provide backup storage of the digital image to ensure the digital image is not lost. The Office Action relies on 3:56-60 in Han (at page 3 of the rejection) to teach the second memory, as in claim 10, and she also relies on the same passage (at page 2 of the rejection) to teach a first memory, as in claim 10. However, this reliance is believed to be in error since there is no mention at 3:56-60 in Han of the claimed second memory. Han at 3:56-60 simply mentions a disk drive 44 for a conventional floppy disk 46. This is a disclosure of only a single memory. How can the disclosure on 3:58-60 in Han be relied on to teach a second memory in addition to a first memory? If the Examiner disagrees, an explanation of the Examiner's position so that the issue can be understood for further prosecution would be appreciated.

Claim 17 is amended to further define a modulated light source for illuminating the original image. The modulated light source is recited to function as a display when the portable image capture device is in the open position and also to function as a light source when the portable image capture device is in the closed position. The Office Action (in reference to cancelled claim 14) relies on 4:10-15 in Han to urge that the LED 72 is the claimed modulated light source. However, the LED 72 when energized is only to indicate the color mode of operation. As shown in FIG. 4, it does not function in the same way as the

modulated light source in claim 17. Han at 4:10-11 also discloses an LCD 68, but as with the LED 72 the LCD 68 does not function in the same way as the modulated light source in claim 17.

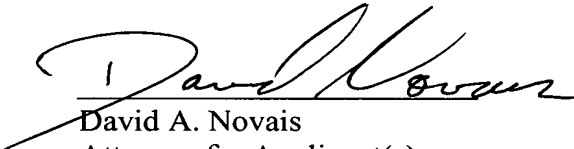
Claims 9, 16, and 20 - Han (USP 6,608,707) in view of Butikofer et al. (USP 6,574,443)

Claims 9, 16, and 20 are rejected under 35 USC 103(a) as being unpatentable over Han (USP 6,608,707) in view of Butikofer et al. (USP 6,574,443).

Claims 9, 16, and 20 are cancelled.

In view of the foregoing comments, it is submitted that the inventions defined by each of the pending claims are patentable, and a favorable reconsideration of this application is therefore requested.

Respectfully submitted,


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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.